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Of Attorneys for Petitioner, Othmane Mahjoubi

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION**

OTHMANE MAHJOUBI)	
)	
Petitioner,)	Case No. 6:24-cv-01358-AA
)	
v.)	
)	
DANIELLE KATHRYN ROPER)	
)	
)	
)	
)	
Respondents.)	
)	

**DECLARATION OF MICHAEL BANUCHIS IN SUPPORT OF
PETITIONER'S MOTION TO IMPOSE SANCTIONS AND AWARD ATTORNEY'S
FEES AND COSTS**

I, Michael Banuchis, under penalty of perjury pursuant to 28 U.S.C. 1746, declare as follows:

1. Petitioner Othmane Mahjoubi (“Mr. Mahjoubi” or “Petitioner”), by and through his undersigned attorneys and pursuant to Federal Rule of Civil Procedure (FRCP) 54(d), 28 U.S.C. § 1920, Article 26 of the Hague Child Abduction Convention, and the International Child Abduction Remedies Act, 22 U.S.C. § 9007(b)(3), moves this Court for an award of attorney’s fees and costs against Respondent, Danielle Kathryn Roper (“Ms. Roper” or “Respondent”), and in support thereof states the following:

2. Petitioner was represented in these proceedings by Green Kaminer Min & Rockmore LLP by Richard Min, Esq., Michael Banuchis, Esq. and Camilla Redmond, in addition to one (1) paralegal from our firm, Elisa Bejaran.

3. On August 9, 2024, Petitioner retained Green Kaminer Min & Rockmore LLP to represent him in the international Hague proceeding in Oregon Federal Court. A copy of the Green Kaminer Min & Rockmore LLP Retainer Agreement is annexed hereto as **Exhibit 2**.

4. Time charges for Green Kaminer Min & Rockmore LLP for the period of August 2024 through December 2024 total **\$148,053.30**.

5. Annexed hereto collectively as **Exhibit 5** are copies of Green Kaminer Min & Rockmore LLP’s monthly bills for services beginning in August 2024 and continuing through December 2024. Each monthly bill contains itemized time charges identifying the specific task, the attorney or associate providing the services and her/his billing rate, the amount charged, and expenses paid by the firm on the client’s behalf and chargeable to the client pursuant to the retainer agreement. The services provided to Mr. Mahjoubi are summarized as follows:

Month of Statement	Services	Time Charges
August & September 2024	Correspondence with client, U.S. State Department, co-counsel, French counsel; receipt/review of documentation; draft pleadings and other filings, including motion to expedite; draft letter response to settlement proposal.	\$7,956.00
October 2024	Correspondence with client, U.S. State Department, co-counsel, French counsel; receipt/review of documentation; receipt/review of orders; opposition to motion for guardian ad litem.	\$3,402.09
October & November 2024	Correspondence with client, co-counsel, French counsel; prepare for court appearances; court appearances; receipt/review of documentation; draft court filings; motion for remote testimony; drafting letters and stipulations; trial preparation; draft exhibit and witness lists; review trial exhibits; draft discovery demands and responses; review discovery materials; calls with experts; drafting pretrial filings.	\$10,112.81
November & December 2024	Correspondence with client, co-counsel, French counsel; prepare for court appearances; court appearances; receipt/review of documentation; draft court filings; trial preparation and witness prep; organization of interpreters and other trial logistics; calls with experts; listening to audio and video recordings; trial tech test run.	\$114,125.40
December 2024	Correspondence with client, co-counsel, French counsel; trial & settlement conference; motion for attorney's fees.	\$12,457.00

6. An analysis of Green Kaminer Min & Rockmore LLP's time charges, and hours by each attorney, associate, and paralegal is presented below.

Month	Time Charges	RM (\$600)	MB (\$525)	CR (\$325)	EB (\$175)
August & September 2024	\$7,956.00	9.70	2.10	6.40	1.50
October 2024	\$3,402.09	5.20	1.00	1.70	0
October & November 2024	\$10,112.81	11.00	3.90	10.00	0
November & December 2024	\$114,125.40	18.00	132.80	97.00	2.90

December 2024	\$12,457.00	0.20	15.70	12.60	0
TOTAL	\$148,053.30	44.1	155.5	127.7	4.4

7. Each expense paid by Green Kaminer Min & Rockmore LLP, or Petitioner himself, is itemized on the attached Bill of Costs (annexed as **Exhibit 4**). A table summarizing the itemization of costs and expenses is annexed hereto as **Exhibit 6**.

8. The expense reimbursement requested by Petitioner is **\$76,398.38**.

1. Qualifications of Richard Min, Esq.

9. Mr. Min is a partner at Green Kaminer Min & Rockmore, LLP and has been a practicing attorney since 2008. He is admitted to practice in New York State, the United States District Court for the Southern District of New York, the United States District Court for the Eastern District of New York, the United States Court of Appeals for the Second Circuit, the United States Court of Appeals for the Ninth Circuit, and the United States Supreme Court. His practice focuses exclusively on Family Law, with a particular specialty since 2008 on International Child Abduction and cross-border custody issues pursuant to the Hague Convention and the Uniform Child Custody Jurisdiction and Enforcement Act (“UCCJEA”).

10. He is an active member of several bar associations including the American Bar Association (ABA), New York State Bar Association (NYSBA), New York City Bar Association, New York Women’s Bar Association, Asian American Bar Association of New York, and the Korean American Lawyer’s Association of Greater New York. He is a member of the Executive Committees for both the International and Family Law Sections of NYSBA and is the current co-chair of the Family Law Committee of the New York State Bar Association International Law

Section and co-chair of the Amicus Committee and the Membership Diversity Committee of the New York State Bar Association Family Law Section. He is also the co-chair of the ABA International Section Family Law Committee.

11. Mr. Min is a fellow of the International Academy of Family Lawyers (IAFL), which is a worldwide association of practicing lawyers who are recognized by their peers as the most experienced and expert family law specialists in their respective countries. Mr. Min is also founding chair of the 1980 Hague Committee of the IAFL.

12. Mr. Min's cases are frequently cited and discussed in the legal academic community. One of his successful appeals (*Marks v. Hochhauser*, 876 F.3d 416 (2d Cir. 2017)) was the subject of an article in the St. John's International Law Review (Vol. 31, No. 2, Fall 2018). He has taught legal education courses and authored articles on the topic of child abduction. He has hosted foreign delegations, most recently from Costa Rica (September 2021) and another from Lebanon (September 2019) coordinated through the State Department, to discuss implementation of the Hague Abduction Convention in their respective countries.

13. Mr. Min lectures frequently on the Hague Convention, including giving CLE presentations and writing peer reviewed articles.

14. Mr. Min has litigated or consulted on over fifty (50) child abduction cases in Arkansas, California, Colorado, Florida, Maryland, Missouri, Montana, New Hampshire, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, Utah, Vermont, Oregon, South Dakota and Washington. This includes acting as lead trial counsel (handling the majority of witnesses and/or argument) for at least twenty five (25) Hague trials and trial co-counsel for several other trials, either second seating those trials or handling a minority of the witnesses and argument.

15. In addition to trial work, he has also briefed appeals before the Second and Ninth Circuit Courts of Appeals and argued six (6) appeals before the Second Circuit Court of Appeals.

16. In March 2022, he argued the case of *Golan v. Saada* before the U.S. Supreme Court, which was only the fifth Hague Abduction Convention case ever heard by the U.S. Supreme Court.

17. The billing rates at Green Kaminer Min & Rockmore LLP range from \$175 per hour for paralegals, to my rate of \$725 per hour. When retained by Mr. Mahjoubi, his billing rate was reduced to \$600 per hour and all billings reflect that rate. His billing rate is competitive, yet appropriate in this specialized area of law. The hourly rate billed is reasonable given the years of experience, qualifications, and the market within which he has practiced for over a decade.

2. Qualifications of Michael Banuchis, Esq.

18. I am a partner at Green Kaminer Min & Rockmore LLP and have been practicing law since 2010 and family law exclusively since 2012. I am admitted to practice in the New York State courts as well as the United States District Courts for the Eastern and Southern Districts of New York, the Second Circuit, and the U.S. Supreme Court. I have extensive experience litigating Hague Convention cases since joining the firm in 2019, having appeared in at least twenty (20) Hague Convention cases and performed work on a number of additional cases although not formally noticed.

19. I have examined fact and expert witnesses in six Hague Convention cases as both lead and co-counsel. I was also recently the primary drafter of an appellee's brief in *Tereshchenko v. Karimi*, 102 F.4th 111 (2d Cir. 2024) and successfully argued the appeal before the Second Circuit. I routinely serves as co-counsel in Hague Convention court conferences and trials and have a wealth of experience drafting legal briefs and in Hague Convention actions and

appeals, including all of the appellate briefs in *Saada*. My hourly rate is \$525, reduced from \$575 due to the client's financial situation, which is competitive and appropriate given his experience in this area of law.

3. Qualifications of Camilla Redmond

20. Camilla Redmond has been an associate attorney at Green Kaminer Min & Rockmore LLP since August 12, 2024. She has worked on approximately six (6) Hague cases, performing various roles including document review, trial preparation, and drafting pleadings and motions. She is a law school graduate, who has passed the New York State Bar exam, and is awaiting admission to practice law in New York. Ms. Redmond graduated with a Masters of Law from the University of Southern California Gould School of Law in May 2024. She graduated from King's College London Dickson Poon School of Law in London, United Kingdom, in June 2021. When retained by Mr. Mahjoubi, Ms. Redmond's billing rate was \$325 per hour and all billings reflect that rate. Ms. Redmond's hourly rate billed is reasonable given her experience and represents the fair market value of the services rendered.

4. Qualifications of Paralegals

21. Elisa Bejaran, a paralegal with the firm for over fifteen (15) years, worked on this case at a rate of \$175 per hour, which is reasonable given her experience and represents the fair market value of the services rendered.

A. Reasonable Fees

22. Mr. Min, Mr. Banuchis, and Ms. Redmond submit that counsel has expended a reasonable number of hours in litigating this case. The skills required to properly perform the legal services rendered was acquired via a team approach, and the expectations at the outset of this litigation – that a fair review of the evidence would result in a return order – were realized as a

result of the coordination efforts, preparation, and counsel's experience. Given the experience, reputation and ability of counsel, the time expended, and the results obtained, Mr. Min, Mr. Banuchis, and Ms. Redmond, submit that the fees requested are reasonable and in keeping with the fees charged by experienced counsel in New York City and the metropolitan area.

23. I declare under penalty of perjury that the foregoing is true and correct.

Date: December 26, 2024
New York, New York

By: /s/Michael Banuchis
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